



House of Representatives

General Assembly

File No. 662

January Session, 2013

House Bill No. 6394

House of Representatives, May 1, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE INDEMNIFICATION OF UNIVERSITY POLICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10a-142 of the general statutes is amended by
2 adding subsections (e) and (f) as follows (*Effective July 1, 2013*):

3 (NEW) (e) The state shall protect and save harmless any member of
4 the special police forces from financial loss and expense, including
5 reasonable legal fees and costs, if any, arising out of any claim,
6 demand, suit or judgment by reason of the alleged deprivation by such
7 member of any person's civil rights, which deprivation was not
8 wanton, reckless or malicious, provided such member, at the time of
9 such acts resulting in such alleged deprivation, was acting in the
10 discharge of such member's duties or within the scope of such
11 member's employment or under the direction of a superior officer.

12 (NEW) (f) Reasonable legal fees and costs incurred as a result of the
13 retention, by any member of the special police forces, of an attorney to

14 represent such member's interests in any action referred to in
15 subsection (e) of this section shall be borne by the state in those cases
16 in which (1) such member is ultimately found not to have acted in a
17 wanton, reckless or malicious manner, or (2) no punitive damages are
18 ultimately assessed against such member.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	10a-142

HED *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
CT State Univ.; UConn; UConn Health Ctr.	GF - Potential Cost	Potential	Potential

Municipal Impact: None

Explanation

The bill results in a potential cost to the constituent units of higher education by increasing the indemnification protections for public university police officers to the standard given the state police rather than the standard used for general state employees. Costs would be dependent upon actions of such officers that resulted in litigation.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to any litigation against university police officers.

OLR Bill Analysis**HB 6394*****AN ACT CONCERNING THE INDEMNIFICATION OF UNIVERSITY POLICE.*****SUMMARY:**

This bill modifies the indemnification protections for public university police officers by providing them the protections possessed by the state police, rather than those possessed by the general state employee population. The protections are similar, but there are certain differences concerning the conditions under which the employee (1) is saved harmless and indemnified and (2) has legal expenses reimbursed by the state.

EFFECTIVE DATE: July 1, 2013

INDEMNIFICATION

Under current law, public university police officers are covered by the general indemnification protections for state employees and officers (employees). The bill instead affords them the protections possessed by the state police.

Under the bill, the state must protect and save harmless public university police officers from financial loss and expense, including reasonable legal fees and costs, arising from any claim, demand, suit, or judgment for alleged deprivation of a person's civil rights. The deprivation must not have been wanton, reckless, or malicious, and the officer must have been acting (1) in the discharge of his or her duties, (2) within the scope of his or her employment, or (3) under the direction of a superior officer. The state must pay reasonable legal fees and costs in cases where the officer (1) is found not to have acted wantonly, recklessly, or maliciously or (2) is not assessed punitive damages.

Protection Differences

The bill's protections replace the state's general indemnification protections for public university police officers. The protections are similar, but by law, general protections do not cover actions under the direction of a superior officer that are outside the scope of employment or discharge of duties. These actions are covered by the bill. However, the general protections extend to alleged negligence or other acts or omissions causing damage or injury, which are not covered by the bill.

Further, under the general protections, an employee cannot be reimbursed for private counsel unless the attorney general (AG) has first declined to provide representation. The state provides reimbursement only after the final disposition of the suit, claim, or demand in which the employee is found (1) to have acted in the discharge of his duties or within the scope of his employment and (2) not to have acted wantonly, recklessly, or maliciously. Reimbursement is provided only in amounts determined to be reasonable by the AG, who may consider whether it was appropriate for a group of officers, employees, or members to be represented by the same counsel.

The bill removes these requirements for public university police officers. Instead, it requires the state to pay reasonable legal fees and costs in cases where the officer (1) is found not to have acted wantonly, recklessly, or maliciously or (2) is not assessed punitive damages. There are no requirements that the AG (1) first decline to represent the officer or (2) determine what constitutes a reasonable reimbursement amount. There is also no specific prohibition on reimbursing an officer before the final disposition.

BACKGROUND**University Police Forces**

The law establishes special police forces for UConn, the UConn Health Center, and the four universities (Central, Eastern, Southern, and Western) of the Connecticut State University System. Officers in these departments generally have the same powers as municipal police officers (CGS § 10a-142).

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Change of Reference

Yea 20 Nay 0 (03/26/2013)

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/19/2013)